

From: Sarah Calvillo Hoffman <sarah.calvillo@ross-assoc.com>
Sent time: 01/04/2007 01:30:07 PM
To: Sarah Calvillo Hoffman <sarah.calvillo@ross-assoc.com>; frey.sharon@epa.gov; soscia.marylou@epa.gov
Cc: Jerry Boese <jerry.boese@ross-assoc.com>
Subject: RE: Revised WQS Dam Workshop Summary
Attachments: Corp Comments Not Included in Workshop Summary.doc

Jerry just reminded me that perhaps the formatting, particularly the underlining, below in the Corps comments may not come through because of the exchange from Outlook to Lotus Notes. As such, attached is a Word document with the Corps Comments Not Included in the Workshop Summary.

Sarah

<<Corp Comments Not Included in Workshop Summary.doc>>

From: Sarah Calvillo Hoffman
Sent: Thursday, January 04, 2007 12:52 PM
To: 'frey.sharon@epa.gov'; soscia.marylou@epa.gov
Cc: Jerry Boese; Sarah Calvillo Hoffman
Subject: Revised WQS Dam Workshop Summary

Hi Sharon and Mary Lou,

Attached is a revised WQS/dam workshop summary, based on our conversation today regarding the incorporation of Corps comments. These revisions are highlighted in yellow. Incorporation of Corps comments is still highlighted in blue for Denise's review. To reduce confusion, I would suggest removing the yellow highlight from the summary prior to giving it to Denise for review.

Below are the Corps' comments that we did not include in the revised summary, based on discussions with EPA.

Corp Comments Not Included in Workshop Summary

Page 2, CWA requirements, 1st bullet: At the end of the 1st sentence, replace "sufficient" with "attainable", to read "...the standards promulgated are attainable." In the 3rd sentence, EPA performed the Columbia/Snake TMDL because the states asked them to do it, not because it is a bi-state water body. The states had previously completed TMDLs for TDG in the same river reaches, so bi-state TMDLs can be done. At the end of the last sentence, add a phrase, to read "...where consultation is prudent and water quality standards are not informed by the ESA process."

Page 2, UAAs: In line 6, add words: "...the owner should consider ongoing or completed ESA section 7 consultations..."

Page 2, Site Specific Criteria: Add the following text to end of sentence: "...it is essentially a science test which ultimately must refute accepted, existing science with new science – a very high bar to surmount in proving the negative.

Page 2, CWA Tools, Variances: The Oregon representative's statement that they cannot utilize variances for non-NPDES permit situations is contradicted by their actual practice. Oregon provides Total Dissolved Gas (TDG) variances, which they call waivers, for Federal Columbia River mainstem dams in order to provide spill for fish passage. During the discussion, it was noted that Oregon's TDG waiver process is not a CWA variance that has received EPA approval.

Page 3, compliance Schedule: In line 2, add words: "...states may adopt and implement compliance schedules in lieu of TMDLs under their own..." Also, what is the point of the litigation statements? It says Washington was challenged but what was the outcome? The fact is, nothing protects the government from a lawsuit. What governments' focus should be on is making decisions that are based on valid facts, supported by the science, well documented for the record, and thus are defensible in court. What we need is a defensible posture and to be able to stand together in court as state and federal entities, dam operators and

environmental regulators, in support of government decisions and actions.

Page 3, ESA requirements, 1st paragraph: Add to text: Ritchie Graves made the point for the ESA assessment process that "dams are there, and we (NOAA) figure out how to live with them."

Mike Gearheard , EPA Region 10, expressed support for Dave Shepp's (USACE HQ) statement that, if the Columbia/Snake River Temperature TMDL is to be revisited a totally new, inter-agency modeling team must determine and obtain necessary data, select an appropriate modeling tool, agree upon fundamental assumptions (such as: dams in the baseline, accounting for systemwide inputs of pollution-from both point and nonpoint sources), review and approve both model input and output, and collectively assess and interpret and report upon findings.

[It should be noted that following the second day of the workshop in a follow on discussion the next day with USACE, Denise Keehner, EPA HQ suggested that an experienced, independent, modeling consultant might be contracted to conduct the modeling, (with input, oversight and review from the interagency modeling team) as an unbiased 3rd party.]

Please call if you have questions or need further information. Sharon, we expect to hear from you sometime next week regarding who should distribute the draft summary to workshop participants.

Cheers,

Sarah

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<< File: Final DRAFT WQS Dam Workshop Summary - Clean 1-4-07.doc >>

(See attached file: *Corp Comments Not Included in Workshop Summary.doc*)